

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GARY D. FOBAIR, JR.,

Petitioner,

v.

No. 11-cv-361-DRH-PMF

JAMES N. CROSS,

Respondent.

ORDER

HERNDON, Chief Judge:



Before the Court is a Report and Recommendation (R&R) (Doc. 20), issued on March 23, 2012, by United States Magistrate Judge Philip M. Frazier recommending denial of petitioner's Section 2241 petition for a writ of habeas corpus (Doc. 1). Generally, petitioner presents various arguments seeking credit on his federal sentence for time spent incarcerated for state offenses. Additionally, petitioner argues that Congress delegated too much authority to the U.S. Bureau of Prisons (BOP) regarding the calculation of sentences in violation of the Constitution. The R&R recommends denial of petitioner's writ, as his claims lack merit.

Initially, a copy of the R&R was inadvertently not sent to the parties. Thus, on April 10, 2012, the R&R was sent to the parties with a notice informing them

of their right to appeal by way of filing objections within fourteen days of service. Therefore, the parties' objections required filing by April 27, 2012. Neither party filed timely objections to the R&R. Thus, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Accordingly, the Court **ADOPTS** the R&R (Doc. 20) in its entirety and dismisses petitioner's claim **with prejudice**.

IT IS SO ORDERED.

Signed this 30th day of April, 2012.

  David R. Herndon
2012.04.30 09:00:15
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Chief Judge
United States District Court